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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/538,420 | 10/11/2006 | Janne Rinne | 088245-1126 | 1831 |
| 23524 7590 07/08/2009 FOLEY & LARDNER LLP 150 EAST GILMAN STREET P.O. BOX 1497 MADISON, WI 53701-1497 | | | | |
| EXAMINER | | | | |
| CASCA, FRED A | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 2617 | | | | |
| MAIL DATE | | DELIVERY MODE | | |
| 07/08/2009 | | PAPER | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

| | |
|--------------------------------------|-------------------------------------|
| Application No. 10/538,420 | Applicant(s) RINNE ET AL. |
| Examiner FRED A. CASCA | Art Unit 2617 |

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 24 June 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.
NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
see below.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/VINCENT P. HARPER/
Supervisory Patent Examiner, Art Unit 2617

Applicant's arguments that 3GPP TS 23.234 V6.0.0 2004-03 (hereinafter 3GPP) is not a proper reference is not persuasive. The examiner asserts that 35 U.S.C. 102 (a) states that a person shall be entitled to a patent unless - the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent. Therefore, the 3GPP used by the examiner is a proper 102(a) reference. See MPEP 2132 and 2128-2128.02. The header for the 102 rejection on the Final Office Action posted on March 29, 2009 showed a 102(e) rejection while it was meant to be a 102(a) rejection. The simple inadvertent error of inserting a 102(e) header instead of a 102(a) header does not disqualify the reference. Further, the front page of the 3GPP document clearly shows the document was at least published in March 2004. Thus, the 3GPP is a valid 102(a) reference.

In response to arguments that 3GPP does not disclose "communicating a resource authorization identifier", the examiner respectfully disagrees. The examiner asserts that the 3GPP AAA server of the Fig. 4.1 performs such communication with the mobile terminal in order for the mobile terminal to obtain the authorization. The term "communicating" is not the same as "receiving". Therefore, the 3GPP's Fig. 4.1 and Par. 5.1 discloses the above limitation. Further, the "resource authorization identifier" is very broad. Any identifier, e.g., mobile identification or channel identifier would read on it, and in the process of gaining access to the communication network, a mobile identification must be submitted in order for access to be authorized and granted.

In response to arguments that "transmitting the resource authorization identifier" is not disclosed in 3GPP, the examiner respectfully disagrees. Fig. 4.1 and Par. 5.1 and page. 12, lines 12-18 discloses that "WLAN Authentication signaling is executed between WLAN UE and 3GPP AAA server," and "WLAN Access Authorization," and "Access to 3GPP PS based services shall be provided via WLAN". Note that the authorization for access is provided to the mobile terminal. The access authorization has to be identified by an identifier in order for the mobile terminal to gain such access.

In response to arguments that "sending an authorization response to bind a communication channel between the mobile terminal and the mobile network to an end-to-end data flow of the mobile terminal wherein the authorization response comprises identification information on the end-to-end data flow and tunnel identification information identifying the tunnel" is not disclosed in 3GPP, the examiner respectfully disagrees. 3GPP clearly shows that a tunnel is formed between the mobile terminal and the mobile network to form an end-to-end data flow (see Figure. 5.1, paragraphs 5.7.2, 5.12, Figure 6.1-6.1b, paragraph 6.2.3, figures 7.1 and 7.10). Further, in 3GPP the channel (resource) designated for the mobile terminal has to be identified has to be known to both the network and the mobile terminal in order to avoid allocating the same channel to other mobile terminals. Further, the communication between mobile terminal and the network is by definition an end-to-end. Therefore, 3GPP disclose all limitations of claim 1 and similarly the limitations of 8, 9, 15, 16, 17 and 22.